

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA**

UNITED STATES OF AMERICA,

v.

**Criminal Action No. 3:30-CR-46-1
(Judge Groh)**

MONROE MERRELL,

Defendant.

MOTION FOR SCHEDULING ORDER
AS IT RELATES TO UNITED STATES' NOTICE TO SEEK THE
DEATH PENALTY (ECF 415)

Now comes the United States by Randolph J. Bernard, Acting United States Attorney for the Northern District of West Virginia, by counsel Kimberley Crockett, Assistant United States Attorney, moving the Court to impose a briefing schedule on the issue of the United States' Notice of Intent to Seek the Death Penalty filed on July 1, 2025. (ECF 415).

In support of its motion, the United States avers that it has conferred with defense counsel and a motion to strike the notice is anticipated and litigation is likely to be protracted; therefore, the parties seek guidance from the Court on scheduling given the trial of Mr. Merrell is set to begin February 2026. When counsel conferred on this issue on July 29, 2025, Mr. Merrell's counsel suggested the following schedule: Monroe Merrell's Motion to Strike would be filed on August 13, 2025, the Government's response would be due within 30 days, and the reply would follow within 7 days. The United States has no objection to this schedule and would seek an order confirming such.

The parties do believe a separate scheduling order on this issue is necessary to adequately allow the parties to separate the litigation on penalty options from all the pre-trial

deadlines, including time to prepare pre-trial motions, notices, and motions in limine.

Wherefore, the United States seeks a scheduling order from the Court on the issue of the Notice of Intent to Seek the Death Penalty filed on July 1, 2025, and would ask the Court to adopt the schedule put forth by the defense team as the United States believes the timeframe is reasonable for the parties to brief the legal issues for the Court's consideration well in advance of all other pre-trial deadlines.

Respectfully submitted,

RANDOLPH J. BERNARD
ACTING UNITED STATES ATTORNEY

By: /s/ Kimberley D. Crockett
Assistant United States Attorney
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CERTIFICATE OF SERVICE

I, Kimberley D. Crockett, Assistant United States Attorney for the Northern District of West Virginia, hereby certify that on August 4, 2025, the foregoing MOTION SCHEDULING ORDER AS IT RELATES TO UNITED STATES' NOTICE TO SEEK THE DEATH PENALTY (ECF 415) was electronically filed with the Clerk of the Court using the CM/ECF system which will send notification counsel of record for Mr. Monroe Merrell:

Respectfully submitted,

RANDOLPH J. BERNARD
ACTING UNITED STATES ATTORNEY

By: /s/ Kimberley D. Crockett
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